

**REMARKS/ARGUMENTS**

Claims 1-2, 7-8, 11-12, and 14-18 have been canceled. Claims 19-28 have been added. Claim 4 has been amended. Claims 3-6, 9-10, 13, and 19-28 are pending.

The Examiner objected to Figures 5 and 7. Attached are corrected drawings for Figures 5 and 7.

The Examiner rejected claim 7 under 35 U.S.C. 112, first paragraph, stating that the concept of "bypassing" does not appear to be described in the specification. Claim 7 has been canceled.

The Examiner rejected claims 3-5 and 9 under 35 U.S.C. 103(a) as being unpatentable over Griffiths (GB 2357409) in view of Ballard et al. (USPN 5617480). The Examiner stated that Griffiths teaches computer readable code for displaying a composite equalization curve (22) (page 9, lines 8-10 and 17-25; page 13, lines 15-20) wherein the composite equalization curve is formed from at least a first frequency filter with a first center frequency, a second frequency filter with a second center frequency, and a third frequency filter with a third center frequency (e.g., at 26, 28, 30; page 9, lines 17-22; page 10, lines 23-31; page 11, lines 1-2); and computer readable code for allowing a dragging movement of the first center frequency, the second center frequency and the third center frequency (page 9, lines 24-31; page 10, lines 1-13; page 14, lines 4-8; page 15, lines 5-8; Figures 6-13).

Griffith does not teach a dragging movement of the first center frequency, the second center frequency, and the third center frequency as recited in claims 3 and 9. Frequencies 26, 28, 30 of Figure 1 of Griffith are not center frequencies of a first frequency filter, a second frequency filter, and a third frequency filter that form a composite filter, as recited in claims 3 and 9. Frequencies 26, 28, 30 define filter characteristics of filter characteristic response 22, instead of center frequencies of first, second, and third filters that form a composite equalization curve. This is indicated in that the handles 40, 42, 44 for frequencies 26, 28, 30 lie on the characteristic response 22. In FIG. 4 of the current application a first filter curve 448 has a center frequency 460, which does not lie on the composite equalization curve 448, since the "composite curve 448, is the sum of the first filter curve 450, a second filter curve 452, and a third filter curve 454," as stated on page 7, lines 14-15, of the current application. In essence, the display 4 of FIG. 1 of Griffith is merely the same graphic equalization curve of FIG. 2 of the current

application with a line drawn through the handles of the graphic equalization curve, not a display as recited in claims 3 and 9 of the current application.

In addition, it would not be obvious to combine Griffith with Ballard to obtain the invention as recited in claims 3 and 9. It would not be obvious from Ballard to put an output amplifier on Griffith where the filter curve is the equalization curve of the output amplifier. The curve in Griffith is a filter curve of the filter. There is no motivation for using the curve the represents the filter curve of the filter 6 as an equalization curve for an output amplifier. In addition, Ballard does not overcome the above mentioned deficiencies in Griffith. In addition, the applicant's attorney did not see in col. 4, lines 11-15 and col. 6, lines 33-41 of Ballard, cited by the Examiner, any teaching that the composite equalization curve represents the equalization curve of the output amplifier. For at least these reasons, claims 3 and 9 are not made obvious by Griffith in view of Ballard.

The Examiner stated that an amendment to claim 4 stating that the preset curves are simultaneously displayed may make claim 4 sufficient to overcome the cited references. Claim 4 has been amended accordingly.

The Examiner rejected claims 6-7 and 10 under 35 U.S.C. 103(a) as being unpatentable over Griffiths (GB 2357409) in view of Ballard et al. (USPN 5617480) and in further view of Wiser (USPGPUB 2003/0009247).

For the reasons discussed above, Griffith, Ballard, and Wiser do not disclose computer readable code for displaying a composite equalization curve formed from at least a first frequency filter, a second frequency filter, and a third frequency filter, and computer readable code for allowing a dragging movement of the first frequency center, the second frequency center, and the third frequency center, as recited in claim 10. For at least these reasons, claim 10 is not made obvious by the cited art.

The Examiner rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Griffiths (GB 2357409) in view of Ballard et al. (USPN 5617480) and in further view of Mietling (USPN 6385322).

For the reasons discussed above, Griffith, Ballard, and Mietling do not disclose computer readable code for displaying a composite equalization curve formed from at least a first frequency filter, a second frequency filter, and a third frequency filter, and computer readable


code for allowing a dragging movement of the first frequency center, the second frequency center, and the third frequency center, as recited in claim 13. For at least these reasons, claim 13 is not made obvious by the cited art.

Dependent claims 4-6 are also patentably distinct from the cited references for at least the same reasons as those recited above for independent claim 3, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claim 4 recites computer readable code for simultaneously displaying equalization curves for a plurality of presets. For at least these reasons, claims 4-6 are not made obvious by the cited references.

New claims 19-24 are ultimately dependent on claims 3, 9, 10, and 13 and further recite simultaneously displaying a first filter curve, a second filter curve, and a third filter curve with the composite equalization curve and that the first filter curve, second filter curve, and third filter curve are Gaussian equalization curves, and therefore are allowable for at least these reasons. New claim 25 is within Group I. New claim 25 also recites simultaneously displaying a first filter curve, a second filter curve, and a third filter curve with the composite equalization curve. New claims 26-28 are dependent on claim 25. For at least these reasons new claims 19-28 are allowable.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 961-8300.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



Michael Lee  
Registration No. 31,846

P.O. Box 70250  
Oakland, CA 94612-0250  
Telephone: (650) 961-8300